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COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

AT RICHMOND, NOVEMBER 2, 2001

APPLICATIONS OF

ENERGY SERVICES MANAGEMENT VIRGINIA, LLC
d/b/a VIRGINIA ENERGY CONSORTIUM CASE NO. PUE010479

For a permanent license to conduct
business as a competitive electric
service aggregator

and

ENERGY SERVICES MANAGEMENT VIRGINIA, LLC
d/b/a VIRGINIA ENERGY CONSORTIUM CASE NO. PUE000471

For a license to conduct
business as an aggregator

ORDER GRANTING LICENSE

On August 30, 2001, Energy Services Management Virginia, LLC d/b/a Virginia Energy Consortium ("ESM" or "the Company"), filed an application with the State Corporation Commission ("Commission") to convert its pilot license, License No. PA-7,¹ to a permanent license to provide competitive electric aggregation services only to commercial retail customers and to expand its authority to serve throughout the Commonwealth of Virginia as the Commonwealth opens up to retail access and

¹ This license, issued in Case No. PUE000471, authorized ESM to provide competitive electric aggregation services to residential and commercial customers in the retail access pilot programs of Virginia Electric and Power Company ("Virginia Power"), Appalachian Power Company d/b/a American Electric Power ("AEP-VA"), and Rappahannock Electric Cooperative ("REC").

customer choice. The Company states that it wishes to eliminate its authority to serve residential customers. The Company attested that it would abide by all applicable regulations of the Commission as required by 20 VAC 5-312-40 of the Commission's Rules Governing Retail Access to Competitive Energy Services, ("Retail Access Rules").

On September 20, 2001, the Commission issued its Order For Notice and Comment, establishing this case, requiring ESM to provide notice of its application to each electric utility in Virginia, and providing for the receipt of comments from the public. No comments from the public on ESM's application were received.

On October 24, 2001, Staff filed a response to ESM's application. In its response, Staff advised that it did not oppose ESM's application. However, Staff recommended that Case No. PUE000471, the docket in which the Commission granted the Company its retail access pilot licenses, be closed, and that ESM be directed to file the reports required by the Commission's Interim Rules Governing Electric and Natural Gas Retail Access Pilot Programs, 20 VAC 5-311-10 et seq. ("Interim Rules"), in the captioned docket, Case No. PUE010479. The Staff contends that this action would result in the efficient administration of the Commission's docket.

NOW UPON consideration of ESM's application to convert its present license to a permanent license to conduct competitive electric aggregation services for commercial retail customers throughout the Commonwealth, and Staff's comments, the Commission is of the opinion and finds that ESM's request should be granted; that Case No. PUE000471 be closed; and that any reports that ESM must file in accordance with the Interim Rules be filed in the captioned docket, Case No. PUE010479.

Accordingly, IT IS ORDERED THAT:

(1) ESM's pilot license, License No. PA-7, is hereby cancelled and replaced with License No. A-4 for the provision of competitive electric aggregation service to commercial retail customers in Virginia Power, AEP-VA and REC's service territories in accordance with the terms of these pilot programs, and throughout the Commonwealth of Virginia as the Commonwealth opens up to retail access and customer choice.

(2) This license is not valid authority for the provision of any product or service not identified within the license itself.

(3) Failure of ESM to comply with the Interim Rules, the Retail Access Rules, the provisions of this Order, other State Corporation Commission orders and rules, or other applicable state or federal laws may result in an enforcement action by the Commission including, without limitation, the revocation,

suspension, or modification of the license granted herein, the refusal to renew such licenses, the imposition of appropriate fines and penalties, or such other additional actions as may be necessary to protect the public interest.

(4) Case No. PUE000471 is hereby closed.

(5) This matter shall remain open pending the receipt of any reports required by the Interim Rules and the Retail Access Rules.